

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JIMMY LYONS, *et al.*,

Plaintiffs,

v.

LITTON LOAN SERVICING LP., *et al.*,

Defendants.

Civil Action No. 1:13-cv-00513-ALC-HBP

Judge Andrew L. Carter Jr.

Magistrate Judge Henry Pitman

**MOTION TO SEVER OF DEFENDANTS AMERICAN MODERN INSURANCE  
GROUP, INC. AND AMERICAN MODERN HOME INSURANCE COMPANY**

Pursuant to Fed. R. Civ. P. 20 and 21, defendants American Modern Insurance Group, Inc. and American Modern Home Insurance Company (collectively, “American Modern”) move for an order severing plaintiffs’ claims into separate cases grouped by loan servicer and the insurer from whom lender placed insurance (LPI) was purchased. This would align each plaintiff’s claims against the loan servicer defendant that serviced his or her loan and the insurer defendant from whom that servicer purchased LPI for that plaintiff’s property, as follows:

Case One		Case Two		Case Three	
Plaintiffs	Defendants	Plaintiffs	Defendants	Plaintiffs	Defendants
-Lyons -Papapietro -Heard	-Litton Defendants -American Modern	Erving	-Saxon Defendants -Assurant Defendants	-Engelhardt -Coulthurst -Dominguez -Erving -Papapietro -Heard	-Ocwen Defendants -Assurant Defendants

Severing plaintiffs’ claims in this manner comports with the requirements of Rules 20 and 21, dramatically increasing the efficiency of pretrial proceedings and avoiding the inherent unfairness and potential prejudice of a homogenized class certification proceeding and trial.

For these reasons, and those more fully set forth in the memorandum in support filed with this motion, American Modern respectfully requests that the Court grant this motion.

Date: January 21, 2014

Respectfully submitted,

/s/ Mark A. Johnson

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American Modern Home Insurance  
Company*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on January 21, 2014, I electronically filed the foregoing with the Clerk of the United States District Court for the Southern District of New York through the CM/ECF system, thereby automatically serving all registered parties.

/s/ Mark A. Johnson

Mark A. Johnson